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12 *Attorneys for Plaintiff/Counterclaim Defendant*
13 *Meta Platforms, Inc.*

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16 META PLATFORMS, INC., a Delaware
17 corporation,

18 Plaintiff/Counterclaim Defendant,

19 v.
20
21 BRANDTOTAL, LTD., an Israel corporation, and
22 UNIMANIA, INC., a Delaware corporation,
23

24 Defendants/ Counterclaim Plaintiffs.
25

26 Case No. 3:20-CV-07182-JCS
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**DECLARATION OF SONAL N.
MEHTA IN SUPPORT OF
PLAINTIFF/COUNTERCLAIM
DEFENDANT'S MOTION FOR
ATTORNEY'S FEES**

1 I, Sonal N. Mehta, declare as follows:

2 1. I am an attorney duly licensed to practice in the California. I am a Partner at the law
 3 firm of Wilmer Cutler Pickering Hale and Dorr LLP (“WilmerHale”). I represent
 4 Plaintiff/Counterclaim Defendant Meta Platforms, Inc. (“Meta”) in the above-captioned matter.

5 2. I submit this declaration in support of Meta’s Motion for Attorney’s Fees (“Motion”).
 6 I have personal knowledge of each of the matters stated herein, and if called to testify, would testify
 7 consistent with this declaration.

8 **Fixed-Fee Agreement**

9 3. WilmerHale was retained by Meta to serve as lead counsel in this case. WilmerHale is
 10 a leading, full-service international law firm. Founded in 2004 following the merger of the firms
 11 Wilmer, Cutler & Pickering and Hale and Dorr, WilmerHale is regionally and nationally recognized
 12 for its expertise in high-stakes litigation. WilmerHale was named *The American Lawyer*’s Law Firm
 13 of the Year in 2020 and was an *The American Lawyer*’s Litigation Department of the Year finalist in
 14 2018 and 2021. The firm has been ranked by *The Legal 500 United States* since 2020 for its work in
 15 general commercial disputes and has been ranked as a national tier 1 firm for commercial litigation in
 16 *US News & World Report*’s “Best Law Firms” guide since 2019.

17 4. WilmerHale was retained by Meta in this matter in October 2020, under an alternative
 18 fee agreement. Pursuant to that alternative fee agreement, over the course of the engagement, Meta
 19 and WilmerHale have negotiated the following fixed-fee amounts for the following categories of
 20 work:

21 a. \$30,000 for initial case strategy and negotiations;
 22 b. \$25,000 for initial fact investigation;
 23 c. \$240,000 for the litigation of BrandTotal’s motion for a temporary restraining
 24 order;
 25 d. \$400,000 for the litigation of BrandTotal’s first motion for a preliminary
 26 injunction;
 27 e. \$175,000 for the litigation of BrandTotal’s renewed motion for a preliminary
 28 injunction;

- 1 f. \$25,000 for informal settlement discussions;
- 2 g. \$480,000 for ongoing case strategy and communications;
- 3 h. \$175,000 for Meta's first motion to dismiss BrandTotal's counterclaims;
- 4 i. \$125,000 for Meta's second motion to dismiss BrandTotal's counterclaims;
- 5 j. \$100,000 for Meta's third motion to dismiss BrandTotal's counterclaims;
- 6 k. \$300,000 for WilmerHale's takeover of the offensive side of the litigation;
- 7 l. \$25,000 for the preparation of five motions to seal;
- 8 m. \$45,000 for answering BrandTotal's counterclaim complaint;
- 9 n. \$100,000 for document collection and production;
- 10 o. \$100,000 for attorneys' secondary review of documents to be produced;
- 11 p. \$50,000 for preparing Meta's offensive written discovery requests;
- 12 q. \$50,000 for responding to BrandTotal's written discovery requests;
- 13 r. \$160,000 for preparing four offensive discovery motions;
- 14 s. \$120,000 for responding to three discovery motions filed by BrandTotal;
- 15 t. \$210,000 for preparing and serving 14 third-party subpoenas on
16 BrandTotal's customers and Google;
- 17 u. \$80,000 for preparing four full case management statements and
18 participating in case management conferences;
- 19 v. \$105,000 for the depositions of Meta's three fact witnesses (Brian Hickey,
20 Fred Leach, and Kim Stonehouse);
- 21 w. \$120,000 for four depositions of BrandTotal's fact witnesses (Amir
22 Leshman, Mark Mansfield, Liram Vardi, and the March 21, 2022 deposition
23 of Oren Dor, taken pursuant to the Hague Convention);
- 24 x. \$360,000 for twelve full Rule 30(b)(6) depositions (the January 12, 2021
25 deposition of Brandon Silverman; the January 13, 2021 deposition of Oren
26 Dor; the January 13, 2021 deposition of Sanchit Karve; the January 14, 2021
27 deposition of Alon Leibovich; the January 15, 2021 deposition of Josh
28 Newman; the February 10, 2021 deposition of Mike Clark; the March 10,

2021 deposition of Oren Dor; the November 9, 2021 deposition of Alon Leibovich, continued to February 20, 2022; the November 11, 2021 deposition of Oscar Padilla, continued to February 22, 2022; the November 16, 2021 deposition of Yohan Engelhardt; the November 18, 2021 deposition of Yair Regev, continued to February 22, 2022; and the November 19, 2021 deposition of Mike Clark);

- y. \$600,000 for defensive expert discovery;
- z. \$750,000 for offensive expert discovery;
- aa. \$325,000 for Meta’s motion summary judgment;
- bb. \$325,000 for responding to BrandTotal’s motion for summary judgment; and
- cc. \$400,000 for *Daubert* motions to exclude (including Meta’s and BrandTotal’s motions).

5. Meta agreed to payment on the above terms, and did pay WilmerHale for its representation in the matter in accordance with the agreed-upon fixed fees set forth above.

6. Meta and WilmerHale also agreed to other fee amounts for other work on the matter that Meta does not seek to recover via this motion.

Staffing

7. Based on my nearly 20 years of experience, WilmerHale appropriately staffed this matter with attorneys and support staff of varying levels of seniority and experience in order to efficiently handle all aspects of the litigation. Attorneys at WilmerHale are divided among four ranks: associate, senior associate, counsel, and partner. Consistent with common practice and the needs of this case, the matter was staffed with two partners, one counsel, three senior associates, one associate, two paralegals, one litigation support specialist, and two project assistants. This level of staffing was appropriate given the accelerated pace of the proceedings, the scope of work, and the manner in which BrandTotal litigated the case.

8. It is WilmerHale's standard business practice to maintain records of every attorney's, paralegal's, and other support staff's billing rates. In preparing this declaration, I have reviewed the relevant firm records to determine the standard billing rates for each attorney and paralegal involved

1 in this matter.

2 9. I obtained my J.D. degree from Boalt Hall, University of California, Berkeley in 2002
 3 and soon after completed a clerkship with the United States Court of Appeals for the Federal Circuit.
 4 I have been in private practice in the San Francisco Bay Area ever since, litigating high-stakes
 5 technology disputes across a range of industries. I have experience in all aspects of trial and
 6 appellate practice. In addition, I serve as a lecturer at Boalt Hall School of Law, UC Berkeley and
 7 am active in court committees and bar associations. My work has been recognized in various legal
 8 publications, including among others *The American Lawyer*, *Chambers Global*, *Chambers USA*,
 9 *The Legal500*, and *Benchmark Litigation*, which has named me San Francisco Attorney of the Year
 10 (2020) and to its Top 10 Women in Litigation nationally (2021 and 2022).

11 10. Ari Holtzblatt is a partner at WilmerHale. I am informed and believe, he graduated
 12 from Yale Law School in 2010. He has broad experience representing diverse clients at all levels,
 13 from trial courts to the U.S. Supreme Court. I am informed and believe, he previously served as a
 14 law clerk to the Honorable Ruth Bader Ginsburg of the U.S. Supreme Court and to the Honorable
 15 David Tatel of the U.S. Court of Appeals for the District of Columbia Circuit. I am informed and
 16 believe, in 2022, the *Chambers USA: America's Leading Lawyers for Business* recognized him for
 17 his media and entertainment practice. I am informed and believe, in 2021, he was selected for
 18 inclusion in the inaugural *Best Lawyers: Ones to Watch* for his appellate practice.

19 11. Andy O'Laughlin is a counsel at WilmerHale. I am informed and believe, he
 20 graduated from Harvard Law School in 2014. I am informed and believe, he has represented
 21 public and private corporations, non-profit board, and individuals in high-stakes commercial
 22 disputes, breach of contract cases, class actions, shareholder demands, and securities and financial
 23 services litigation.

24 12. Allison Schultz is a senior associate at WilmerHale. I am informed and believe, she
 25 graduated from Harvard Law School, *magna cum laude*, in 2016. I am informed and believe, she
 26 has represented major corporations, government entities, and individuals in all stages of complex
 27 civil litigation. I am informed and believe, she previously served as a law clerk to the Honorable
 28 Stephen A. Higginson of the U.S. Court of Appeals for the Fifth Circuit and the Honorable F.

1 Dennis Saylor IV of the U.S. District Court for the District of Massachusetts.

2 13. Robin Burrell is a senior associate at WilmerHale. I am informed and believe, she
3 graduated from Yale Law School in 2017. I am informed and believe, she represents major
4 corporations and financial institutions in complex civil litigations. I am informed and believe, she
5 previously served as a law clerk for the Honorable Patrick E. Higginbotham of the U.S. Court of
6 Appeals for the Fifth Circuit and for the Honorable Nathaniel M. Gorton of the U.S. District Court
7 for the District of Massachusetts.

8 14. Allison Bingxue Que is a senior associate at WilmerHale. I am informed and
9 believe, she graduated from The University of Texas, School of Law, *High Honors, Order of the*
10 *Coif*, in 2018. I am informed and believe, she has represented companies and executives facing
11 complex commercial litigation matters in both federal and state courts, in a wide range of
12 industries, including biotech, fintech, gaming, semiconductor, and agricultural technology. I am
13 informed and believe, she previously served as a law clerk for the Honorable Eva M. Guzman of
14 the Supreme Court of Texas.

15 15. Cindy Pan is an associate at WilmerHale. I am informed and believe, she graduated
16 from U.C. Berkeley, School of Law, in 2019. I am informed and believe, she has represented
17 major corporations and financial institutions in complex civil litigations and investigations.

18 16. I am informed and believe, Nancy Tillotson has been a paralegal at WilmerHale
19 since 1988. I am informed and believe, she graduated from the George Washington University in
20 2000.

21 17. I am informed and believe, Jane Kim has been a paralegal at WilmerHale since
22 2016.

23 18. I am informed and believe, Kevin Le has been a litigation support specialist at
24 WilmerHale since 2009.

25 19. I am informed and believe, Anais Rosenblatt was a project assistant at WilmerHale
26 from July 2019 to May 2022.

27 20. I am informed and believe, Andres O'Sullivan-Camparan was a project assistant at
28 WilmerHale from February 2022 to July 2022.

21. In addition to the above-listed individuals, consistent with common practice and the needs of this case WilmerHale also relied on the occasional assistance of one counsel and one attorney.

22. Emily Barnet is a counsel at WilmerHale. I am informed and believe, she graduated from Yale Law School in 2015. I am informed and believe, she has represented clients in complex civil litigation in state and federal court, at both the trial and appellate levels. I am informed and believe, she previously served as a law clerk to the Honorable Stephen G. Breyer of the U.S. Supreme Court, the Honorable Robert A. Katzmann of the U.S. Court of Appeals for the Second Circuit, and the Honorable Jed S. Rakoff of the U.S. District Court for the Southern District of New York.

23. Jeffrey Schomig is an attorney at WilmerHale. I am informed and believe, he graduated from University of Richmond, T.C. Williams, School of Law in 1996. I am informed and believe that Mr. Schomig is a highly regarded practitioner of legal privileges, including the attorney-client, work product, associational and bank examination privileges, and privilege for self-critical analysis. I am informed and believe, he has represented clients in pro-active counseling and risk management to help companies and other organizations develop effective, tailored privilege guidelines. I am informed and believe, he serves as an advisor to the ABA on issues of international privilege law. I declare under penalty of perjury that the foregoing is true and correct.

Executed on this 17th day of August, in Marshall, Texas.

By: /s/ Sonal N. Mehta
Sonal N. Mehta